

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:21-cv-81-MOC**

KAREN KLYMAN,)	
)	
Plaintiff,)	
)	
vs.)	<u>ORDER</u>
)	
ED FINANCIAL SERVICES, et al.,)	
)	
Defendants.)	
_____)	

THIS MATTER is before the Court on Plaintiff's Motion to Proceed in Forma Pauperis (Doc. No. 13) and on Plaintiff's Motion for Exemption of Pacer Fees (Doc. No. 19).

Pro se Plaintiff Karen Klyman filed this action on March 25, 2021, purporting to bring numerous claims against six named Defendants, including a claim for violations of the Federal Credit Reporting Act ("FCRA"), 15 U.S.C. § 1681 et seq., arising out of various debt collection actions taken on Plaintiff's student loans.

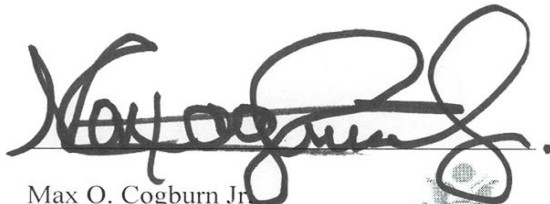
On July 22, 2021, the Court dismissed this action without prejudice because the Court did not receive Plaintiff's IFP application in a timely manner as ordered by the Court. (Doc. No. 11). After the case was dismissed, Plaintiff's IFP application was docketed in this Court on July 23, 2021. (Doc. No. 13). On August 9, 2021, Plaintiff appealed this Court's dismissal of the Court's dismissal, and the Fourth Circuit Court of Appeals subsequently dismissed the appeal for failure to prosecute. (Doc. No. 18).

The Court notes that, although the Court did not receive Plaintiff's IFP application until after the deadline to do so, and that is why the Court dismissed this action, the envelope for

Plaintiff's IFP application indicates that it was postmarked on June 12, 2021. The deadline for Plaintiff to submit her IFP application to the Court was July 1, 2021. Therefore, it appears that the IFP application was somehow delayed in being sent through U.S. mail to the Court and this is the reason this Court did not receive it until July 23, 2021.

Nevertheless, because this action was dismissed, and the Fourth Circuit dismissed the appeal, the Court lacks jurisdiction to rule on Plaintiff's pending motions. Therefore, the Court instructs the Clerk to terminate the pending motions.

Signed: November 24, 2021



Max O. Cogburn Jr.
United States District Judge